

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dirk VAN DEN BOOM *et al.*

Application No.: 10/723,365

Filing Date: November 26, 2003

Title: FRAGMENTATION-BASED
METHODS AND SYSTEMS FOR
SEQUENCE VARIATION
DETECTION AND DISCOVERY

Examiner: Woolwine, Samuel C.

Group Art Unit: 1637

Conf. No.: 4199

Atty Dkt No. SEQ-2073-UT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty under 37 C.F.R. 1.56, and in accordance with 37 C.F.R. 1.97 *et. seq.*, the enclosed materials are brought to the Office's attention for consideration in connection with the above-identified patent application. Applicant respectfully requests that the Office enter this statement and consider and make of record the documents listed on the attached Form SB08A and any document(s) disclosed herein. Pursuant to MPEP 609, Applicant requests that the Office return a copy of the attached Form SB08A, on which each entry is initialed as considered by the Office, with the next official communication.

In accordance with 37 C.F.R. 1.97(g) and 1.97(h), submission of this statement and attached Form SB08A should not be construed as (i) a representation that a search has been made, nor as (ii) an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b). Submission of this statement also is not to be construed as an admission that the documents and information cited therein constitute prior art.

Applicant brings to the Examiner's attention that cited in the attached Form-SB08A are Office Actions received in the following U.S. patent applications: (1) application no. 10/933,611 filed 9/2/2004 and published as US-2005-0089904 on 4/28/2005, (Attorney Docket No. SEQ-2069-UT, Examiner: Stephanie K. Mummert), (2) application no. 10/830,943 filed 4/22/2004 and published as: US-2005-0009053 on 1/13/2005 (Attorney Docket No. SEQ-2070-UT, Examiner: Russell R. Negin), (3) application no. 11/222,991 filed 9/8/2005 and published as US-2006-0073501 on 4/6/2005 (Attorney Docket No. SEQ-2072, Examiner: Jamie M. Greene), (4) application no. 11/089,805 filed 5/24/2005 and published as US-2005-0272070 on 12/8/2005 (Attorney Docket No. SEQ-2080-UT, Examiner: Stephanie K. Mummert), (5) application no. 10/888,359 filed 7/9/2004 and published as US-2006-0210992 on 9/21/2006, (Attorney Docket No. SEQ-2081-UT, Examiner: Christopher M. Babic), (6) application no. 10/272,665 filed 10/15/2002 and published as US-2003-0180748 on 9/25/2005 and now issued patent: 7,332,275 issued 2/19/2008 (Attorney Docket No. SEQ-2033-DV4, Examiner: Lori A. Clow), (7) application no. 11/997,402 filed 8/2.2006 and not yet published (Attorney Docket No. SEQ-4098-UT, Examiner not yet assigned), (8) application no. 10/018,453 filed 10/30/2001 and now issued patent 6,994,969 issued 2/7/2006 (Attorney Docket No. SEQ-5001-US, Examiner Frank Wei Min Lu), and (9) application no. 11/348,683 filed 2/7/2006 and published as US-2006-0252061 on 11/9/2006 (Attorney Docket No. SEQ-5001-CT2, Examiner Frank Wei Min Lu).

This statement is submitted in compliance with the following section under 37 C.F.R. 1.97:

☐ 37 C.F.R. 1.97(b)

This statement is filed (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114.

☒ 37 C.F.R. 1.97(c)

This statement is filed after the period specified in 37 C.F.R. 1.97(b) and before the mailing date of a final action under 37 C.F.R. 1.113, a notice of allowance under 37 C.F.R. 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in 37 C.F.R. 1.17(p).

☐ 37 C.F.R. 1.97(d)

This statement is filed after the period specified in 37 C.F.R. 1.97(c) and is filed on or before payment of the issue fee and is accompanied by the fee set forth in 37 C.F.R. 1.17(p). Applicant makes one of the following statements under 37 C.F.R. 1.97(e): (1) each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or (2) no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the information disclosure statement.

In the unlikely event a fee calculation document or pertinent fee is not included or separated from this submission, and the Office determines that relief is required, Applicant authorizes the Assistant Commissioner to charge the cost of such fee due in connection with the filing of this statement to Deposit Account No. **50-3473**.

Respectfully submitted,

Date: May 13, 2009

By: /Tobey Tam/

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